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PATENT

Our Docket: P-LJ 4868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
John C. Reed)
Serial No.: 09/955,526)
Filed: September 12, 2001)
For: PLANT CYTOPROTECTIVE)
GENES AND METHODS OF)
USING SAME)

Examiner: Unknown

Group Art Unit: 1638

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on August 30, 2002.

By

Andrea L. Gashler
Andrea L. Gashler, Reg. No. 41,029

August 30, 2002

Date of Signature

Commissioner for Patents
Washington, D.C. 20231

ATTN: Office of Initial Patent Examination
Customer Service Center

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OCT 18 2002

TECH CENTER 1600/2900

CORRECTION OF FILING RECEIPT

Sir:

The filing receipt issued in the above-identified application is incorrect for the reasons set forth below:

Attached is a copy of the Utility Patent Application Transmittal form as filed September 12, 2001 (Exhibit A), indicating that the above-identified application is based on and claims the benefit of U.S. Application Serial No. 09/661,014, filed September 13, 2000, which has been converted to Provisional Patent Application Serial No. 60/331,371 as indicated in the enclosed copy of the Decision on Petition (Exhibit B).

The domestic priority data should read (with additions in bold):

Domestic Priority data as claimed by applicant:

PROVISIONAL APPLICATION 60/331,371 09/13/2000

Inventors: John C. Reed
Serial No.: 09/955,526
Filed: September 12, 2001
Page 2

Attached is a copy of the Filing Receipt with the changes noted thereon. Applicants accordingly request that these corrections be made of record and that an amended Filing Receipt be issued.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge any fees to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: August 30, 2002

Andrea L. Gashler

Andrea L. Gashler

Registration No.: 41,029

Telephone: (858) 535-9001

Facsimile: (858) 535-8949

Campbell & Flores LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
USPTO CUSTOMER NO. 23601



June 26, 2002



UNITED STATES DEPARTMENT OF COMMERCE
Patent & Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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Page #12

Campbell & Flores LLP
4370 La Jolla Village Drive
7th Floor
San Diego, CA 92122

CAMPBELL & FLORES

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In re Application of:
John C. Reed
Application No.: 09/661014
Filed: September 13, 2000
Attorney Docket: P-LJ 4335

DECISION ON PETITION OCT 18 2002

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This is a decision on your petition received in the Patent and Trademark Office on September 12, 2001, and treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

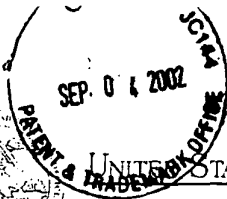
The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/331371. The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

John Dill, Lead Legal Instruments Examiner
Office of Initial Patent Examination
(703) 308-0910

EXHIBIT B



COPY

Page 1 of 2
ALG/PMG
P

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/955,526	09/12/2001	1638	934	P-LJ 4868	3	46	10

CONFIRMATION NO. 8589

23601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

UPDATED FILING RECEIPT



OC000000007604421

Date Mailed: 03/08/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John C. Reed, Rancho Santa Fe, CA;

Domestic Priority data as claimed by applicant

Provisional Application 60/331,371 09/13/2000

Foreign Applications

If Required, Foreign Filing License Granted 10/24/2001

Projected Publication Date: 03/13/2003

Non-Publication Request: No

Early Publication Request: No

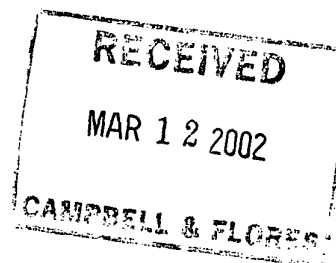
** SMALL ENTITY **

Title

Plant cytoprotective genes and methods of using same

Preliminary Class

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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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UTILITY PATENT APPLICATION TRANSMITTAL
(only for new and continuation-in-part
nonprovisional applications under 37 CFR
1.53(b))

Docket No.:

P-LJ 4868

Address to: COMMISSIONER FOR PATENTS
Box Patent Application
Washington, D.C. 20231



23601

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EL 857041185US

DATE OF DEPOSIT: September 12, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
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37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS
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WASHINGTON, D.C. 20231.

Antonio De la Cruz
(TYPED OR PRINTED NAME OR PERSON MAILING PAPER OR FEE)

Antonio De la Cruz
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

This is a request for filing a

☒ new utility patent application under 37 CFR 1.53(b)(1).

☐ continuation-in-part under CFR 1.53(b)(2) of prior
application serial no. _____, filed _____
(list entire parentage).

Title: PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME

Inventor(s) (full name of each inventor): John C. Reed

Enclosed are:

☒ Return receipt postcard
☒ Patent Application Bibliographic Data Sheet
☒ 1 Page application cover sheet
☒ 61 Pages of specification (includes claims and abstract)
☒ 3 Sheets of drawing(s)
☐ Pages of an executed Declaration for Patent Application
☐ An executed Power of Attorney for Patent Application by
Assignee
☒ Paper copy of sequence listing, pages 1 through 5
☒ Sequence listing in computer readable form
☒ Statement Under 37 CFR 1.821(f)
☐ An executed assignment and recordation form cover sheet
☐ An executed Statement Under 37 CFR 3.73(b)
☒ An executed small entity statement
☐ Request for Nonpublication and Certification
☐ Also enclosed: _____

☐ This application is based on prior foreign application(s)
No.(s) _____, filed in _____ on _____
_____, respectively, and priority is hereby claimed
therefrom.

☐ This application is based on, and claims the benefit of,
U.S. Provisional Application No. 60/_____, filed _____
, and entitled _____, and which is incorporated
herein by reference.

Inventor: John C. Reed
Docket No.: P-LJ 4868
Page 2 of 2

x This application is based on, and claims the benefit of, U.S. Provisional Application No. 60/_____ (yet to be assigned), filed September 13, 2000, which was converted from U.S. Serial No. 09/661,014, and entitled PLANT CYTOPROTECTIVE GENES AND METHODS OF USING SAME, and which is incorporated herein by reference.

The filing fee has been calculated as shown below:

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	46 - 20	=	26	x	\$9	\$18	=	\$234	\$
Indepen- dent Claims	10 - 3	=	7	x	\$40	\$80	=	\$280	\$
Multiple Dependent Claims Presented: ___ Yes <u>x</u> No					\$135	\$270		\$0	\$
					BASIC FEE			\$355	\$710
					TOTAL FEE			\$869	\$

x A check in the amount of \$869.00 is enclosed, which covers the small entity filing fee of \$869.00.

___ The payment of the filing fee is to be deferred until the Declaration is filed. Do not charge our deposit account.

x The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Address all future communications to:

Cathryn Campbell
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
telephone: (858) 535-9001
facsimile: (858) 535-8949
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: September 12, 2001

Andrea L. Gashler
Andrea L. Gashler
Registration No.: 41,029
CAMPBELL & FLORES LLP
4370 La Jolla Village Dr., 7th Fl.
San Diego, California 92122



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Washington, DC 20231
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Bib Data Sheet

CONFIRMATION NO. 8589

SERIAL NUMBER 09/955,526	FILING DATE 09/12/2001 RULE	CLASS 800	GROUP ART UNIT 1638	ATTORNEY DOCKET NO. P-LJ 4868	
APPLICANTS John C. Reed, Rancho Santa Fe, CA;					
** CONTINUING DATA ***** This appln claims benefit of 60/331,371 09/13/2000					
** FOREIGN APPLICATIONS *****					
IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY ** ** 10/24/2001					
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged Examiner's Signature _____ Initials _____		STATE OR COUNTRY CA	SHEETS DRAWING 3	TOTAL CLAIMS 46	INDEPENDENT CLAIMS 10
ADDRESS 23601					
TITLE Plant cytoprotective genes and methods of using same					
FILING FEE RECEIVED 934	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

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